


3764

AMENDMENT TRANSMITTAL LETTER (Small Entity)				Docket No. 181/01332	
Applicant(s): Michael KOCHMAN, et al.					
Serial No. 09/552,586	Filing Date April 19, 2000	Examiner YU, J. R.	Group Art Unit 3764		
Invention: MASSAGER PROVIDING RADIANT HEAT AND MECHANICAL MANIPULATION					
<u>TO THE ASSISTANT COMMISSIONER FOR PATENTS:</u>					
Transmitted herewith is an amendment in the above-identified application.					
<input checked="" type="checkbox"/> Small Entity status of this application has been established under 37 CFR 1.27 by a verified statement previously submitted. <input type="checkbox"/> A verified statement to establish Small Entity status under 37 FR 1.27 is enclosed.					
The fee has been calculated and is transmitted as shown below.					
CLAIMS AS AMENDED					
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST # PREV. PAID FOR	NUMBER EXTRA CLAIMS PRESENT	RATE	ADDITIONAL FEE
TOTAL CLAIMS	3 -	47 =	0 x	\$9.00	\$0.00
INDEP. CLAIMS	1 -	4 =	0 x	\$42.00	\$0.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT					\$0.00
<input checked="" type="checkbox"/> No additional fee is required for amendment. <input type="checkbox"/> Please charge Deposit Account No. _____ in the amount of _____ A duplicate copy of this sheet is enclosed. <input type="checkbox"/> A check in the amount of _____ to cover the filing fee is enclosed. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 03-3419 A duplicate copy of this sheet is enclosed. <input checked="" type="checkbox"/> Any additional filing fees required under 37 C.F.R. 1.16. <input checked="" type="checkbox"/> Any patent application processing fees under 37 CFR 1.17.					
 _____ Signature					Dated: April 7, 2003
Maier FENSTER, Reg. No. 41,016 Roy N. Envall, Jr. c/o Anthony Castorina 2001 Jefferson Davis Highway, Suite 207 Arlington, VA 22202 Tel: (703) 415-1581 CC:					
I certify that this document and fee is being deposited on _____ with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.					
Signature of Person Mailing Correspondence					
Typed or Printed Name of Person Mailing Correspondence					

181/01332 A05



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: M. KOCHMAN, et al.

Serial Number: 09/552,586

Art Unit: 3764

Filed: April 19, 2000

Examiner: YU, J. R.

Title: Massager Providing Radiant Heat and Mechanical Manipulation

#12
Response
S. Bryce
4/15/03

LETTER IN RESPONSE TO OFFICE ACTION

Honorable Commissioner of Patents and Trademarks
Washington DC 20231

Sir:

The present letter is in response to the Office Action mailed January 7, 2003.

REMARKS

Claims 48-52 are pending. In response to a restriction requirement made in the Office Action mailed on November 30, 2001 applicants have provisionally elected claims 48-50 inclusive for examination. Claims 48-50 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Bleeker et al. (US 6,017,320) in view of Cheng (US 5,336,159).

Applicants point out that the present §103(a) Bleeker-Cheng rejection has been made in exactly the same words three times during the prosecution of the application. The rejection was first raised in the first Office Action mailed July 24, 2001. In the response filed on September 17, 2001 applicants argued that there was no motivation to combine the teachings of Bleeker and Cheng to provide the invention of the present application. The Examiner raised the identical §103(a) rejection in the second Office Action mailed on November 30, 2001 and dismissed the argument made to the rejection in the September 17, 2001 response as being "non-persuasive". Applicants traversed the Examiner's holding of non-persuasiveness in the response filed on February 7, 2002.

In the third Office Action mailed July 31, 2002, the Examiner chose not to rebut applicant's traversal, submitted instead a new §103(a) rejection based on Bleeker, Cheng and Smit et al. (US 4,292,971) and in view of the new rejection declared the traversal moot. Applicants traversed the new Bleeker, Cheng and Smit rejection in a response filed on October 30, 2002. In the present, fourth Office Action, the Examiner abandons the Bleeker-Cheng-Smit rejection,